

STANDARD APPLICATION
**Harford County
Board of Appeals**
Bel Air, Maryland 21014

RECEIVED

MAY 27 2005

HARFORD COUNTY COUNCIL

Case No. 5495
Date Filed 5/24/05
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application

- ____ Administrative Decision/Interpretation
____ Special Exception
____ Use Variance
____ Change/Extension of Non-Conforming Use
____ Minor Area Variance
____ Area Variance
____ ☒ Variance from Requirements of the Code
____ Zoning Map/Drafting Correction

CASE 5495 MAP 62 TYPE Variance

ELECTION DISTRICT 01 LOCATION 1262 Courtney La, Belcamp

BY Duane & Yolanda Henry

Appealed because a variance pursuant to Sec. 267-24B (1) of the Harford County Code to allow a fence to exceed 4' in height (6' proposed), within the front yard setback in the R4 district requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name DUANE A. HENRY Phone Number (410) 272-5993
Address 1262 COURTNEY LN BELCAMP Md 21017
Street Number Street City State Zip Code

Co-Applicant YOLANDA HENRY Phone Number (410) 272-5993
Address 1262 COURTNEY LN BELCAMP Md 21017
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 1262 Courtney Ln Belcamp Md 21117

Subdivision Riverside Lot Number 107

Acreage/Lot Size .198 Election District 01 Zoning R4/PRD

Tax Map No. 0062 Grid No. 0001F Parcel 0734 Water/Sewer: Private _____ Public ☒

List ALL structures on property and current use: Pool, Deck, Shed & Fence

Estimated time required to present case: 20 min

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: N/A

Is this request the result of a zoning enforcement investigation? Yes ☒ No _____

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

Request VARIANCE in Height of Existing Fence, located to the Rear & Left side of my home that falls w/in the 26' set back. Current Height is 72" & code is 48".

Justification

See Attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

JUSTIFICATION FOR REQUEST

I respectfully request a variance be granted to the height requirement of my existing fence to the left side of my property for the following reasons:

(1) By reasons of uniqueness of and that literal enforcement for the code would result in practical difficulty or unreasonable hardship;

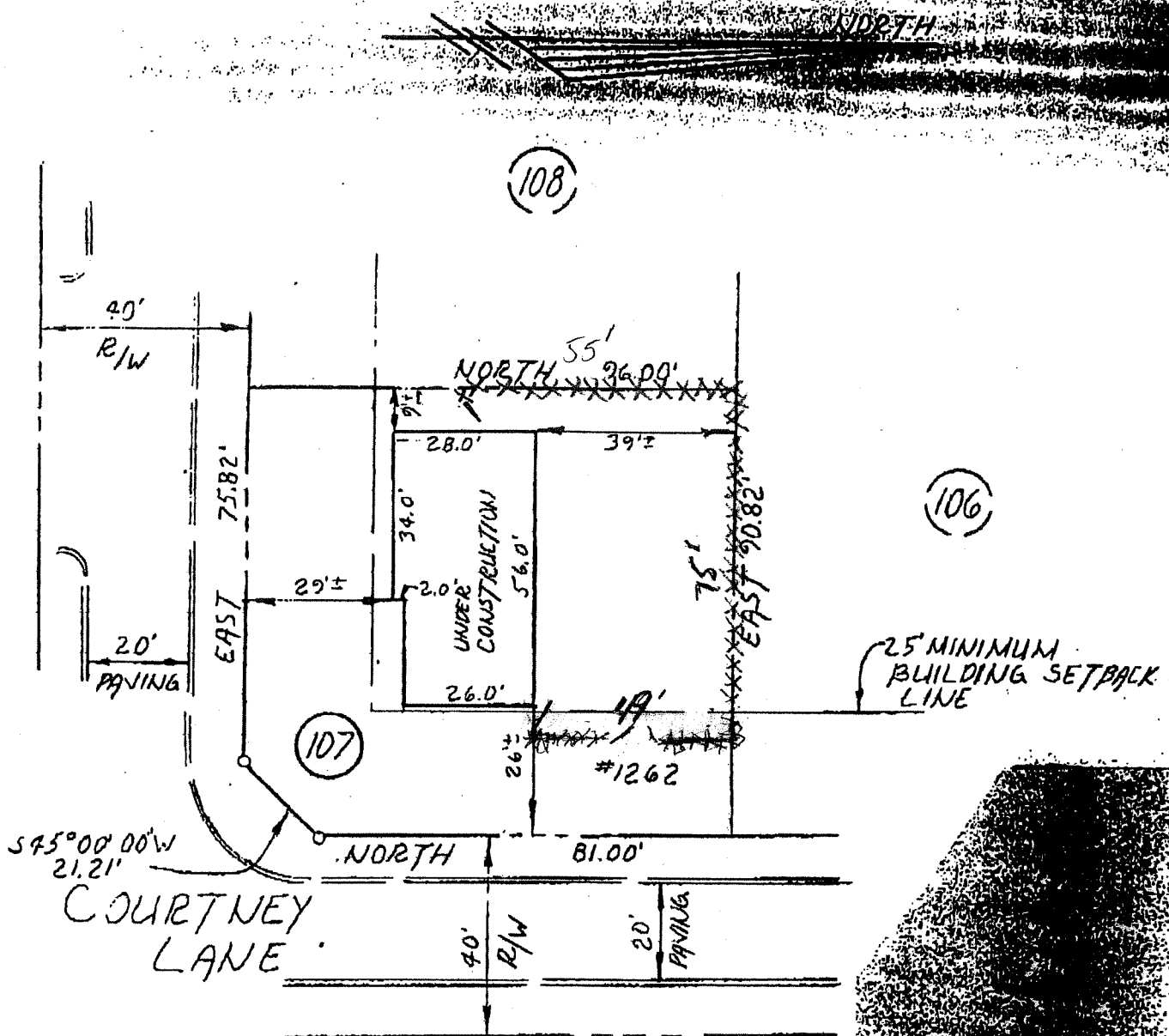
(a) this is a corner lot

- set back makes my rear yard as a second front yard
- rear yard contains a pool and pond
- property has walkway/shed that runs adjacent to left side and to the rear
- two (large) trees requiring deviation around
- highly trafficked area by children cutting through yards
- containment of my own children (six and one on the way)
- no privacy from passing traffic
- fence is in place and was build by private contactor whom failed to obtain the proper permits prior to construction upon request (\$4800)
- removal or alteration would cause financial hardship

(2) This variance will not be detrimental to adjacent properties, nor will it impair the purpose or this code or the public's interest;

(a) the fence cosmetically blends with other existing structures in the area and is only Approximately 3' into the 26' set back.

- obtained and posses an approval letter from the Riverside Home Owner's Association (HOA), giving perssion to construct the fence
 - HOA requires pool owners to have a fence of 72" high for safety
 - in this cul-de-sac there at least seven similar structures and numerous others throughout the community with the same purpose
- In mind of; safety, security and privacy for the community at large



The information on this plat shows only that the improvements indicated hereon are located as shown within the outlines of the lot upon which they are erected, and is not to be construed as an establishment of property lines.

MORRIS AND RITCHIE ASSOCIATES, INC.

ENGINEERS AND SURVEYORS

141 NORTH MAIN STREET
BEL AIR, MARYLAND 21014

PHONE: 836-7560 - 879-1690

LOCATION OF EXISTING STRUCTURE
LOT 107 - PLAT 3 - SECTION II
VILLAGE OF CHURCH CREEK
PLAT H.D.C. 47/84
FIRST ELECTION DISTRICT
HARFORD COUNTY, MARYLAND
FOR FRECH HOMES, INC.

SCALE: 1"=30' DATE: 7/6/83 DRAWN BY: KS JOB NO. 8329

DAVID R. CRAIG
HARFORD COUNTY EXECUTIVE



JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION

J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING AND ZONING

HARFORD COUNTY GOVERNMENT

July 14, 2005

STAFF REPORT

BOARD OF APPEALS CASE NO. 5495

APPLICANT/OWNER: Duane A Henry
1262 Courtney Lane, Belcamp, Maryland 21017

Co-APPLICANT: Yolanda Henry
1262 Courtney Lane, Belcamp, Maryland 21017

REPRESENTATIVE: Applicants

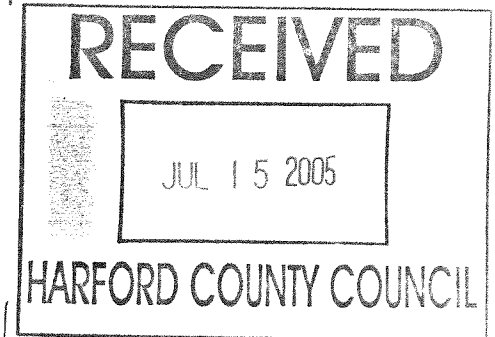
LOCATION: 1262 Courtney Lane - Riverside
Tax Map: 62 / Grid: 1F / Parcel: 734 / Lot: 107
Election District: First (1)

ACREAGE: 0.198 of an acre

ZONING: R4/Urban Residential District

DATE FILED: May 24, 2005

HEARING DATE: August 17, 2005



APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"Request variance in height of existing fence, located to the rear and left side of my home that falls within the 26-foot setback. Current height is 72" and code is 48"."

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Duane & Yolanda Henry

Page 2 of 4

Justification:

See ATTACHMENT 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to allow a fence to exceed 4-feet in height (6-feet proposed), within the front yard setback in the R4/Urban Residential District.

Section 267-24B(1) of the Harford County Code reads:

- B. Fences and walls. Fences and walls may be located in required yards in accordance with the following.*
- (1) Front yards. For single-family detached units, walls and fences shall not exceed four feet in height above ground elevation. Where fences and walls are an integral part of the unit design and are applied in a consistent and coordinated pattern throughout the project, fences and walls may be constructed to maximum of six feet above ground elevation. For continuing care retirement communities, consistent and coordinated fencing or walls may be constructed to a maximum of eight feet above ground elevation provided strategically located gates are provided for emergency access.*

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located in the southern end of the County and is part of the community of Riverside. The lot is situated to the west of MD 543 and fronts on the north and west side of Courtney Lane. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The Applicants' property is located within the Development Envelope. The predominant Land Use designations range from Low to High Intensities. There is an area designated as Industrial Employment to the east. The Natural Features Map reflects Parks, Chesapeake Bay Critical Area, Habitats of Local significance, Stream systems, and Sensitive Species Project Review Areas. The subject property is designated as Medium Intensity, which is defined by the 2004 Master Plan as:

Medium Intensity - Areas within the Development Envelope where residential development is the primary land use. Density ranges from 3.5 to 7.0 dwelling units per acre. Grocery stores, variety stores and other commercial uses are examples of some of the more intensive uses associated with this designation.

STAFF REPORT

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Page 3 of 4

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The area includes residential development ranging from conventional single-family dwellings to townhouses, garden apartments and condominiums. Other land uses include individual retail, personal and professional services, automotive related uses, shopping centers, and industrial uses. There are also schools, churches and recreational facilities in the area. The topography of the area ranges from rolling to steep especially near the stream valleys. A copy of the topography map and the aerial photograph are enclosed with the report (Attachments 6 and 7).

The Applicants' lot is a square shaped corner lot. The topography of the lot ranges from rolling to steep. It rises up gently to the front and right side of the house and sharply upward at the rear lot and along the left side. Improvements consist of a frame 2-story single-family dwelling with a one story wing on the right side. Other improvements include a concrete parking area in the front of the house. The area to the rear of the dwelling is fenced with a board on board 6-foot fence, which is the subject of this case. Located inside the fence is a pool and small pond. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The residential zoning south of I-95 includes R1, R2, R3 and R4/Urban Residential Districts. Commercial zoning includes B1/Neighborhood Business, B2/Community Business, B3/General Business and CI/Commercial/Industrial Districts. The development of Riverside includes an industrial park which is zoned GI/General Industrial District. The subject property is zoned R4/Urban Residential District as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-24B(1) of the Harford County Code to allow a fence to exceed 4-feet in height (6-feet proposed), within the front yard setback in the R4/Urban Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

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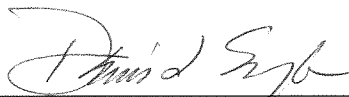
Duane & Yolanda Henry

Page 4 of 4

The Department finds that the subject property is unique. The existing fence is only located 3 feet within the front yard setback. Because of the topography of the lot, it would be difficult to determine whether the fence was within the setback without actually measuring the distance from the road to the fence. The fence does not have any impact on traffic along Courtney Lane. The requested variance will not have an adverse impact on the neighborhood or the intent of the code.

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the applicant obtaining all necessary permits and inspections for the fence.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/jf



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

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HARFORD COUNTY EXECUTIVE



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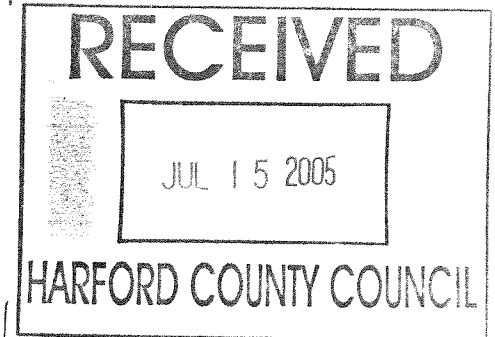
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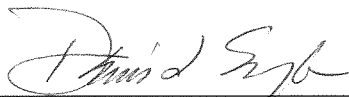
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